

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAIME LUEVANO,)
)
Plaintiff,)
)
v.) 1:12CV251
)
U.S. SUPREME IN D.C., et al.,)
)
Defendant(s).)

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner of the State of Texas, has submitted a document labeled as a “Writ of Mandamus to Compel U.S. Congress for Hearings,” together with an application to proceed *in forma pauperis*. He seeks to have hearings to expose a wide-spread conspiracy that is somehow connected to his incarceration. Plaintiff’s claims are rambling and difficult to decipher, but he appears to claim that he is wrongly imprisoned, that his rights have been violated, and that his life is in danger. He names courts of the United States, officials of the State of Texas, and prison wardens as defendants. As filed, Plaintiff’s submission is not proper. This Court has no power to order Congressional hearings, nor do the allegations raised have any obvious connection to this District. Plaintiff’s submission is closest to being a civil rights action pursuant to 42 U.S.C. § 1983 and/or an action under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). Therefore, the Court will construe it as being such a Complaint. Still, the form of the Complaint is such that serious flaws make it impossible to further process the Complaint. The problems are:

The Complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the Complaint pursuant to 28 U.S.C. § 1915A contained in Plaintiff's submission. *See* LR 7.1(f).

None of the defendants are located within this District, but are located in various other districts across the country. Plaintiff should seek the correct forms from a Clerk's Office in one of those Districts and file his complaint there.¹

Consequently, the Complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper forms, and in a proper district. *Informa pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *informa pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper forms, and in a proper district.

This the 19th day of March, 2012.

/s/ Joi Elizabeth Peake
United States Magistrate Judge

¹ The Court notes that Plaintiff is a frequent pro se litigant who has filed many actions, a number of which have been dismissed for being frivolous, in courts all across the Nation. See, e.g., Luevano v. Texas Gov Rick Perry, 2:11-cv-5514, Doc. # 2 (C.D. Ca. July 13, 2011) (unpublished order denying *informa pauperis* status to Plaintiff and setting out his filing history). As such, he should be more than aware of how to file in a proper court if he chooses to do so.